

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANIEL STORANDT,

Plaintiff,

v.

ORDER

ANDREW SAUL,
Commissioner of Social Security,

18-cv-850-jdp

Defendant.¹

Dana Duncan, counsel for plaintiff Daniel Storandt, moves under 42 U.S.C. § 406(b) for a fee award of \$15,720.75 after plaintiff was awarded past-due disability insurance and supplemental security income benefits.² Counsel's requested fee represents 25% of plaintiff's past-due benefits, Dkt. 23-2 and Dkt. 23-3, so it falls within the amount allowed by statute and the parties' fee agreement. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 792 (2002); Dkt. 23-1. The commissioner does not oppose counsel's fee request. Dkt. 27.

The total amount of time that counsel's firm spent on this case for proceedings in this court was 49.35 hours, resulting in a proposed effective rate of \$318.56 an hour. Of the 49.35 hours, 31.20 hours was attorney time and the remainder was for counsel's legal assistants. Dkt. 23-4. Counsel's requested fee is within the bounds of what is reasonable in light of counsel's experience, his risk of non-recovery, the work he performed, the results he obtained, and the amounts awarded in similar cases. Therefore, the court will grant counsel's motion. For

¹ The court has changed the caption in this case to reflect that Andrew M. Saul was confirmed as the Commissioner of the Social Security Administration after Storandt filed this lawsuit.

² Counsel amended his fee request twice. The court will disregard his first and second fee requests, and the court will consider only his most recent request. Dkt. 25.

simplicity, the court will subtract the \$7,489.34 fee that counsel received under the Equal Access to Justice Act, which would otherwise have to be refunded to plaintiff.

ORDER

IT IS ORDERED that Dana W. Duncan's motion for attorney fees under 42 U.S.C. § 406(b), Dkt. 25, is GRANTED. The court APPROVES a representative fee of \$8,231.41.

Entered June 3, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge